

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

IN RE:)
)
WILSON CROSS, III,)
SSN: xxx-xx-2036)
)
LUCENIOR M. CROSS,)
SSN: xxx-xx-5471)
)
Debtors.)
)
WILSON CROSS, III,)
)
Plaintiff,)
)
v.)
DECATUR FINANCE, INC. and MANDY R.)
GOOLSBY,)
)
Defendants.)
)

CASE NO.: 19-83216-CRJ-13
CHAPTER 13
AP NO.: 20-_____

COMPLAINT FOR VIOLATION OF THE AUTOMATIC STAY

COMES NOW the Debtor in the above-styled Chapter 13 case, WILSON CROSS, III, and shows unto this Honorable Court the following:

1. The Debtor, WILSON CROSS, III, filed a voluntary petition with his wife, LUCENIOR M. CROSS, under 11 U.S.C. Chapter 13 on October 28, 2019, asking for relief pursuant to the provisions of the United States Bankruptcy Code. The Court has jurisdiction of this adversary proceeding pursuant to 28 U.S.C. Section 1334.
2. This is a core proceeding pursuant to 28 U.S.C. Section 157(b)(2)(A) in that it concerns administration of the estate.
3. The Defendant, DECATUR FINANCE, INC., is a listed Creditor in the Bankruptcy filed by the Debtor, WILSON CROSS, III. The Creditor, DECATUR FINANCE, INC., has received all notices from the Bankruptcy Court at their listed address of 1815 6th Ave. SE, Suite E, Decatur, AL 35601.

4. The Defendant, MANDY R. GOOLSBY, represented the Defendant, DECATUR FINANCE, INC., in filing a Small Claims Court action in the Small Claims Court of Morgan County, Alabama, against the Defendant, WILSON CROSS, III, bearing Case No. SM-2020-900375.00. The Defendant, DECATUR FINANCE, INC., is an Alabama Corporation and, as such, cannot appear in an Alabama State Court except through representation by a duly licensed Attorney as authorized by the Alabama State Bar. The Defendant, MANDY R. GOOLSBY, is not an authorized Alabama Attorney according to the Alabama State Bar.

5. The Defendant, MANDY R. GOOLSBY, while engaged in the unauthorized practice of law in the State of Alabama, prepared and caused a Civil Complaint to be filed with the Morgan County Small Claims Court on March 10, 2020, against the Plaintiff, WILSON CROSS, III, in violation of the Automatic Stay Order issued by this Honorable Court. A copy of the Complaint and Summons issued by the Defendants, MANDY R. GOOLSBY and DECATUR FINANCE, INC., is attached hereto as Exhibit "A".

6. The Defendants, MANDY R. GOOLSBY and DECATUR FINANCE, INC., had a default judgment entered against the Plaintiff, WILSON CROSS, III, on April 2, 2020, in clear violation of the Automatic Stay Order. A copy of the Default Judgment entered by the Morgan County, Alabama, District Court is attached hereto as Exhibit "B".

7. The Plaintiff has suffered damages as a result of the actions of the Defendants. Defendant has incurred attorney fees and costs, has had his credit disparaged, and has suffered emotional damages and distress, all resulting from the unlawful actions of the Defendants.

WHEREFORE, THE FOREGOING PREMISES CONSIDERED, the Plaintiff demands Judgment against the Defendants for actual and punitive damages and attorney fees for the Defendants' willful violation of the Automatic Stay. Plaintiff prays for such other, further and different relief as unto your Honor may seem just and proper in the premises.

/s/ G. John Dezenberg, Jr.
G. JOHN DEZENBERG, JR.
Attorney for Plaintiff
DEZENBERG & SMITH, PC
908-C North Memorial Parkway
Huntsville, Alabama 35801
Phone: (256) 533-5097

SERVICE:

Decatur Finance, Inc.
1815-E 6th Ave. SE
Decatur, AL 35601

Mandy R. Goolsby
1815-E 6th Ave. SE
Decatur, AL 35601

Michele T. Hatcher, Trustee
P.O. Box 2388
Decatur, AL 35602

EXHIBIT “A”



AlaFile E-Notice

52-SM-2020-900375.00

To: WILSON CROSS III
1927 AZALEA CR SW
DECATUR, AL, 35601

NOTICE OF ELECTRONIC FILING

IN THE SMALL CLAIMS COURT OF MORGAN COUNTY, ALABAMA

DECATUR FINANCE, INC. V. WILSON CROSS III
52-SM-2020-900375.00

The following complaint was FILED on 3/10/2020 11:17:50 AM

Notice Date: 3/10/2020 11:17:50 AM

Service by sheriff in 52 - MORGAN County

CHRIS PRIEST
CIRCUIT COURT CLERK
MORGAN COUNTY, ALABAMA
302 LEE STREET
POST OFFICE BOX 668
DECATUR, AL, 35602

256-351-4643
chris.priest@alacourt.gov

State of Alabama Unified Judicial System Form SM-7 Rev. 6/07	SMALL CLAIMS SUMMONS	Case Number: 52-SM-2020-900375.00
IN THE SMALL CLAIMS COURT OF <u>MORGAN</u> , ALABAMA (Name of County)		
DECATUR FINANCE, INC. V. WILSON CROSS III		
Plaintiff Plaintiff's Home Address DECATUR FINANCE, INC. 1815-E 6TH AVE SE DECATUR, AL 35601	Defendant Defendant's Home Address WILSON CROSS III 1927 AZALEA CR SW DECATUR, AL 35601	
Plaintiff's Attorney's (if applicable) Address MANDY R GOOLSBY 1815-E 6TH AVE SE DECATUR, AL 35601		
TO THE ABOVE NAMED DEFENDANT:		
The Statement of Claim (Complaint) which is attached to this summons is important and you must take immediate action to protect your rights. You or your attorney are required to mail or hand deliver a copy of a written answer either admitting or denying each allegation in the Statement of Claim (Complaint) to the plaintiff's attorney(s) shown above or in the attached document. Fill out the enclosed answer form and deliver or mail it to the court clerk.		
This answer must be mailed or delivered within 14 days after this summons and Statement of Claim (Complaint) were delivered to you or a judgment by default may be entered against you for the money or other things demanded in the Statement of Claim (Complaint). You must also file the original of your answer with the clerk of this court.		
INSTRUCTIONS TO SHERIFF, CONSTABLE OR PROCESS SERVER		
<input checked="" type="checkbox"/> To any sheriff or any person authorized by Rule 4 of the Alabama Rules of Civil Procedure: You are hereby commanded to serve this summons and a copy of the Statement of Claim (Complaint) in this action upon defendant(s).		
<input type="checkbox"/> This service by certified mail of this summons is initiated upon the written request of _____		
3/10/2020 11:17:50 AM Date	/s CHRIS PRIEST Clerk Clerk Address: 302 LEE STREET POST OFFICE BOX 668 DECATUR, AL 35602	
RETURN ON SERVICE:		
<input type="checkbox"/> Certified mail return receipt in this office on (Date) _____ (Return Receipt hereto attached)		
<input type="checkbox"/> I certify that I personally delivered a copy of the summons and Statement of Claim (Complaint) to _____		
in _____, Alabama on (Date) _____ (Name of County)		
Date	Server Signature	
Server Address		Title of Process Server
Server's Telephone Number		Server Email



State of Alabama
 Unified Judicial System
 Form SM-1 (front) Rev.3/95

STATEMENT OF CLAIM
 (Complaint)
 General

Cas.
 52-1

IN THE SMALL CLAIMS COURT OF

MORGAN

(Name of County)

DECATUR FINANCE, INC.

v. WILSON CROSS III

Plaintiff

Defendant

Plaintiff's

Home Address

DECATUR FINANCE, INC.
 1815-E 6TH AVE SE
 DECATUR, AL 35601

Defendant's

Home Address

WILSON CROSS III
 1927 AZALEA CR SW
 DECATUR, AL 35601

NOTICE TO EACH DEFENDANT - READ CAREFULLY

YOU ARE BEING SUED IN THE SMALL CLAIMS COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.

HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO FILL OUT THE ENCLOSED ANSWER FORM AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU FOR THE MONEY OR PROPERTY DEMANDED IN THE FOLLOWING COMPLAINT. ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.

COMPLAINT

1. I claim the defendant owes the plaintiff the sum of \$ 1758.00 because:

Decatur Finance Inc., dba Cash Loans Co, a licensee under the AL. Small Loan Act,(5-18-6), did make a loan to the defendant on 10-23-2019. This contract is in breach for the amount stated.

2. Plaintiff also claims from the defendant court costs in the sum of \$ 170.00 (see note below, plus \$ _____ for interest and \$ _____ for lawyers' fees (only if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides.)

NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.

CLERK'S ADDRESS:

CHRIS PRIEST
 302 LEE STREET
 POST OFFICE BOX 668
 DECATUR, AL 35602

Clerk's Phone No. 256-351-4643

/s/ MANDY R GOOLSBY

as a duly authorized representative of
 DECATUR FINANCE, INC.

Plaintiff or Plaintiff's Attorney (Signature)

Attorney Code _____

2053553278

Plaintiff or Plaintiff's Attorney's Phone Number

Date of Filing 03/10/2020

(See instructions on the Back)



State of Alabama Unified Judicial System Form SM-1 (front) Rev. 3/95		STATEMENT OF CLAIM (Complaint) General	
IN THE SMALL CLAIMS COURT OF _____		MORGAN (Name of County)	
DECATUR FINANCE #218 Plaintiff		v. _____ WILSON CROSS III Defendant	
Plaintiff's Home Address 1815 6TH AVE SE STE E DECATUR, AL 35601		Defendant's Home Address 1927 AZALEA CR SW DECATUR AL 35601	
Plaintiff's Attorney's Address PRO SE		Additional Defendant(s) and Addresses BEST SERVED MORNINGS	
<p style="text-align: center;">NOTICE TO EACH DEFENDANT – READ CAREFULLY</p> <p>YOU ARE BEING SUED IN THE SMALL CLAIMS COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.</p> <p>HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO FILL OUT THE ENCLOSED ANSWER FORM AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU FOR THE MONEY OR PROPERTY DEMANDED IN THE FOLLOWING COMPLAINT, ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.</p>			
COMPLAINT			
1. I claim the defendant owes the plaintiff the sum of \$ <u>1638.00</u> because: Decatur Finance Inc., dba Cash Loans Company, a licensee under the Al. Small Loan Act,(5-18-6), did make a loan to the Defendant on 10-23-2019. This contract is in breach for the amount stated.			
2. Plaintiff also claims from the defendant court costs in the sum of \$ <u>170.00</u> (see note below), plus \$ <u>0</u> for interest and \$ <u>0</u> for lawyers' fees (only if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides.)			
NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.			
CLERK'S ADDRESS:			
Plaintiff or Plaintiff's Attorney (Signature) _____ Attorney Code _____			
256.355.3278 Plaintiff's or Plaintiff's Attorney's Phone Number			
Clerk's Phone No. _____			
(See instructions on the Back)			
Date of Filing _____			

IN THE SMALL CLAIMS COURT OF

MORGAN

, ALABAMA

(Name of County)

STYLE

Plaintiff's Home Address
DECATUR FINANCE, INC.
1815-E 6TH AVE SE
DECATUR, AL 35601

Defendant's Home Address
WILSON CROSS III
1927 AZALEA CR SW
DECATUR, AL 35601

PART I

DEFENDANT'S ANSWER TO THE COMPLAINT

Check One:

A. I do not live in this county and the suit against me is not for work or labor performed in the county where suit has been filed; thus, I want this case transferred to my home county of _____.

B. I admit everything in the Statement of Claim and do not want a trial. (This means that you consent to a judgment for the amount claimed plus court costs).

C. I admit that I owe some money, but not the total amount claimed by the plaintiff(s). (If this block is checked, the case will be set for trial).
Please note that any money paid by you on this claim after the suit was filed may not be reflected on the Statement of Claim which you receive. You should contact the person who has sued you or his/her attorney to determine the present balance which is claimed).

D. I deny that I am responsible at all. (If this block is checked, this case will be set for trial).

IF YOU CHECKED "C" OR "D", BRIEFLY EXPLAIN THE REASONS FOR YOUR ANSWER.

Name of Employer

Business Phone Number

Address of Employer

Weekly Take-Home Pay

This will be helpful to the Court, but you are not required to give this information.

Part II. BE SURE TO SIGN THIS FORM BEFORE MAILING.

1. Mail a copy to the Small Claims court at the address below.
2. Keep a copy for your files.
3. Mail a copy to the plaintiff or his/her attorney, if he/she is represented by an attorney, at the address above.

Defendant / Attorney (Signature)

CLERK'S ADDRESS:

CHRIS PRIEST
302 LEE STREET
POST OFFICE BOX 668
DECATUR, AL 35602
256-351-4643

Defendant or Defendant's Attorney's Phone Number

Defendant's Address (if different from above)

INSTRUCTIONS TO THE DEFENDANT

1. You MUST fill out (print or type) this form AND deliver or mail a copy of it to the clerk at the address on the front, SO IT WILL ARRIVE AT THE CLERK'S OFFICE WITHIN 14 DAYS AFTER THE STATEMENT OF CLAIM WAS DELIVERED TO YOU. You must complete this form even if you admit you are responsible for part – not all – of what the plaintiff(s) claims.
2. IF YOU CHOOSE TO MAIL THIS FORM TO THE CLERK, YOU SHOULD CHECK WITH THE CLERK'S OFFICE AFTER SEVEN DAYS TO MAKE SURE IT WAS RECEIVED ON TIME. Be sure to refer to your case number. This Answer must be received by the clerk within 14 days from the date it was delivered to you.
3. BE SURE TO KEEP A COPY OF YOUR ANSWER FOR YOURSELF. After it is received by the clerk, you will be sent a notice of the time and place of your trial if you have denied what the plaintiff claims.

EXHIBIT “B”



AlaFile E-Notice

52-SM-2020-900375.00

Judge: CHARLES B. LANGHAM

To: CROSS WILSON III (PRO SE)
1927 AZALEA CR SW
DECATUR, AL, 35601-0000

NOTICE OF COURT ACTION

IN THE SMALL CLAIMS COURT OF MORGAN COUNTY, ALABAMA

DECATUR FINANCE, INC. V. WILSON CROSS III
52-SM-2020-900375.00

A court action was entered in the above case on 4/2/2020 4:22:24 AM

ORDER

[Filer:]

Disposition: GRANTED
Judge: CBL

Notice Date: 4/2/2020 4:22:24 AM

CHRIS PRIEST
CIRCUIT COURT CLERK
MORGAN COUNTY, ALABAMA
302 LEE STREET
POST OFFICE BOX 668
DECATUR, AL, 35602

256-351-4643
chris.priest@alacourt.gov



IN THE DISTRICT COURT OF MORGAN COUNTY, ALABAMA

DECATUR FINANCE, INC.,)
Plaintiff,)
)
V.) Case No.: SM-2020-900375.00
)
CROSS WILSON III,)
Defendant.)

DEFAULT JUDGMENT

This action came on the motion of the plaintiff for a default judgment pursuant to Rule 55(b)(2) of the Alabama Rules of Civil Procedure, and the Defendant(s) having been duly served with the Summons and Complaint and not being an infant or unrepresented incompetent person and having failed to plead or defend, and the default having been duly entered and the defendant having taken no proceedings since such default was entered.

It is ORDERED and ADJUDGED that Default and Default judgment be entered in favor of the Plaintiff and against the Defendant(s) for \$1,758.00, plus court costs, without waiver of exemptions. Special process server fees are not taxable to Defendant. Bundrick v. McAllister, 882 So.2d 864, 868 (Ala.Civ.App. 2003).

NOTE: Appeals must be filed in writing with the Clerk within 14 days of the date of this order.

DONE this 2nd day of April, 2020.

/s/ CHARLES B. LANGHAM
DISTRICT JUDGE